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May 29, 1997

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Determination of appropriate cost allocation and regulatory treatment of total revenues associated with wholesale sales to Florida Municipal Power Agency and City of Lakeland by Tampa Electric Company; FPSC Docket No. 970171-EU

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Motion for Temporary Protective Order.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,



James D. Beasley

JDB/pp
Enclosures

cc: All Parties of Record (w/enc.)

ACK _____
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EPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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EPSC PUBLIC RECORDS DIVISION

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of appropriate)	
cost allocation and regulatory)	DOCKET NO. 970171-EU
treatment of total revenues associated)	FILED: May 29, 1997
with wholesale sales to Florida)	
Municipal Power Agency and City of)	
Lakeland by Tampa Electric Company.)	

**TAMPA ELECTRIC COMPANY'S
MOTION FOR TEMPORARY PROTECTIVE ORDER**

Tampa Electric Company ("Tampa Electric" or "the company") moves the Commission for entry of a temporary protective order protecting from public disclosure certain information supplied in response to discovery requests in the above docket, and as grounds therefor, says:

1. On May 19, 1997 Tampa Electric supplied certain documents in response to Staff Document Request No. 2 under a confidential cover letter to the Division of Records and Reporting along with a Notice of Intent to Request Confidential Classification. That Notice of Intent protects the confidential nature of the information in question through and including Monday, June 9, 1997.

2. On May 28, 1997 Tampa Electric submitted a supplement to the above-referenced Notice of Intent to Request Confidential Classification and filed under confidential cover letter two corrected pages of the above-referenced filing.

3. Pursuant to the deposition of Tampa Electric witness Karen Branick conducted this week in Tampa, Florida, the company will be submitting hundreds of pages of documents to the Division of Records and Reporting under a confidential cover letter and a

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notice of intent to seek confidential classification.

4. All of the above-referenced confidential documents contain sensitive incremental cost projections and other data the public disclosure of which would be severely harmful to Tampa Electric's competitive interests and, consequently, the interests of its retail customers.

5. Tampa Electric does not yet know which, if any, of the above referenced documents the Staff will want to use at hearing in this proceeding. Tampa Electric does want to avoid having to submit a formal request for confidential treatment of the above documents, with all of the highlighting, written justification and redacted copies required under the Commission's rule. The company also wishes to save the Commission's Staff and the Division of Records and Reporting the burden of having to deal with formal confidential justification of documents which may or may not be used at hearing. To avoid this severely burdensome paperwork for everyone involved, Tampa Electric believes it would be reasonable for the Commission to enter a temporary protective order containing the following terms and conditions:

- (a) The documents submitted by Tampa Electric under Notices of Intent to Seek Confidential Classification shall remain confidential and exempt from public disclosure on a temporary basis.
- (b) Any of the above-referenced documents not identified for use in the hearing in this proceeding shall be returned to Tampa Electric

without any of the content thereof being publicly disclosed.

- (c) Any of the documents identified for use in the final hearing shall continue to be treated in a confidential manner as prescribed in the Order Establishing Procedure, Order No. PSC-97-0350-PCO-EU.
- (d) Tampa Electric will be afforded a 21 day period following the hearing in this proceeding to submit a formal request for confidential treatment of any of the above-referenced documents identified for use in the final hearing.

6. Tampa Electric submits that the foregoing temporary confidential treatment of the documents in question will protect the interests of Tampa Electric and its general body of ratepayers and at the same time will avoid a significant amount of work on the part of all involved. Such use of a temporary protective order is contemplated in the Commission's rule on the treatment of confidential information.

WHEREFORE, Tampa Electric Company requests the Commission to enter a protective order under the terms described above with respect to the documents the company submits under notices of intent to seek confidential treatment.

DATED this 29th day of May, 1997.

Respectfully submitted,



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HARRY W. LONG, JR.
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Post Office Box 111
Tampa, Florida 33601-0111

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Temporary Protective Order, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 29th day of May, 1997 to the following:

Ms. Leslie Paugh*
Staff Counsel
Division of Legal Services
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Gary Lawrence
City of Lakeland
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Ms. Vicki Gordon Kaufman
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ATTORNEY